

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

<p>IVETTE M. MARTÍNEZ GONZÁLEZ, ET AL.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CATHOLIC SCHOOLS OF THE ARCHDIOCESES OF SAN JUAN PENSION PLAN, ET AL.,</p> <p style="text-align: center;">Defendants.</p>		<p>CIVIL No. 16-2077 (GAG-BJM)</p>
<p>NORMA I. CARDOZA ESTREMER, ET AL.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>COLEGIO PADRE BERRÍOS, ET AL.,</p> <p style="text-align: center;">Defendants.</p>		<p>CIVIL No. 16-2318 (GAG-BJM)</p>

**INFORMATIVE MOTION ON DOCKET 152, REQUESTING ENTRY OF
ORDER AND FURTHER EXTENSION OF TIME TO SUBMIT
MOTION FOR SUMMARY JUDGMENT ON THE CHURCH PLAN
EXEMPTION DEFENSE**

TO THE HONORABLE COURT:

COMES NOW co-defendants in Civil No. 16-2077, Juan Santa (“Mr. Santa”) and Rosa Figueroa (“Mrs. Figueroa”, together with Mr. Santa “co-defendants”), through the undersigned counsel, and very respectfully state and pray as follows:

1. On November 22, 2017, this Honorable Court entered an *Order* setting December 20, 2017 as the new deadline to file dispositive motions on the Church Plan Exemption defense. *See Docket No. 155.*

2. As informed in a previous motion for extension of time to submit their dispositive motion (**Docket No. 152**), as of November 20, 2017, plaintiffs have yet to produce the transcripts of the depositions of Mr. Francis Ouellette and Mrs. Anabel P. Casey. Unfortunately, this is still true today.

3. Co-defendants have been diligent and in multiple occasions reached out to plaintiffs' counsel by e-mail and telephone requesting copy of the transcripts. See **Exhibit A**. As of this date, and despite multiple demands, the aforementioned transcripts have not yet been received.

4. These transcripts are critical to the dispositive motion and an integral part of its supporting statement of material facts. The admissions of Mr. Francis Ouellette and Mrs. Anabel P. Casey, plaintiffs' two (2) key witnesses, are dispositive since the testimonies of said witnesses appear to be the underpinnings of plaintiffs' evidence.

5. In support of its anticipated filing, co-defendants will need to append portions of the testimony of both witnesses to the statements of material facts they intend to file. Thus, the absence of said transcripts prevents co-defendants from complying with Local Rule 56(b) and (e)¹.

6. Accordingly, co-defendants very respectfully request this Honorable Court to order plaintiffs to produce the transcripts of the depositions of Mr. Francis Ouellette and Mrs. Anabel P. Casey **forthwith**, and – if the deadline to file dispositive motions pending the issuance of a *Report and Recommendation* as to the *Motion to Dismiss*² is not stayed- grant an additional extension of time of thirty (30) days, from the date the transcripts are finally delivered, to file their dispositive motion. See e.g. Franco-Laureano v. United States, 2014 WL 1333987 (D.P.R. 2014) (where the Court issued an order setting a deadline for plaintiff to produce deposition transcripts and, as a result, extending the time for defendant to file a motion for summary judgment).

7. For the reasons stated above, co-defendants respectfully submit that there is good cause for an extension of the case management deadline to file dispositive

¹ It is also worth noting that pending before this Court is the request made by co-defendant the Superintendence of the Catholic Schools of the Archdioceses of San Juan to stay the "summary judgment deadline" until resolution of the *Motion to Dismiss*. See **Docket No. 154**.

² The *Motion to Dismiss* was filed on July 17, 2018 by the Superintendence of the Catholic Schools of the Archdioceses of San Juan and the Trust of the Catholic Schools of the Archdioceses of San Juan Pension Plan. See **Docket No. 117**.

motions in this case. This request is not intended to cause undue delay of the proceedings in this case, but rather stems from circumstances outside co-defendants' control that materially impact the ability to defend themselves in this case.

WHEREFORE, appearing co-defendants respectfully requests that this Honorable Court to allow this motion and, as a result, (i) order plaintiffs to provide the transcripts of the depositions of Mr. Francis Ouellette and Mrs. Anabel P. Casey forthwith; and (ii) if the deadline to file dispositive motions pending the issuance of a *Report and Recommendation* as to the *Motion to Dismiss* is not stayed, grant an additional extension of time of thirty (30) days, from the date the transcripts are finally delivered, to file their dispositive motion on the Church Plan Exemption defense.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 20th of December of 2017.

IT IS HEREBY CERTIFIED that on this same date a true and exact copy of the foregoing motion was filed electronically with the Clerk of Court via the CM/ECF system, which will send notification of such filing to all attorneys of record.

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